

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARK COLIN JENNINGS, II,)	
# 711938,)	
)	
Plaintiff,)	Case No. 1:16-cv-921-RJJ
)	Case No. 1:16-cv-1218-PLM
)	
v.)	Honorable Robert J. Jonker
)	
ROBERT CROMPTON,)	
)	
Defendant.)	
)	

REPORT AND RECOMMENDATION

The matter is before the Court on two civil rights actions brought by a state prisoner pursuant to 42 U.S.C. § 1983. In each case, plaintiff names Robert Crompton, M.D., as the defendant and he alleges that the physician was deliberately indifferent to his serious medical needs in violation of his Eighth Amendment rights. For the reasons set forth herein, I recommend that Chief Judge Robert J. Jonker reassign related Case No. 1:16-cv-1218 to himself pursuant to W.D. MICH. LCIVR 3.3.1(d)(iii)(B).

Proposed Findings of Fact

Case No. 1:16-cv-921 was the first case filed and it is assigned to Chief Judge Robert J. Jonker. Case No. 1:16-cv-1218 was the second case filed and it is assigned to Judge Paul L. Maloney.

Case No. 1:16-cv-1218 was dismissed on initial screening. Plaintiff filed a motion to amend his complaint, which was construed by the Court as a motion to alter or amend

the judgment to permit the filing of an amended complaint. On December 12, 2016, Judge Maloney granted the motion as to defendant Crompton with regard to incidents that allegedly occurred on March 18 and 28, 2016, September 20, 2016, and November 4, 2016. Case No. 1:16-cv-1218 avoided detection as a related case because plaintiff's motion failed to inform the Court of the nearly identical claims that he was already asserting against Dr. Crompton in Case No. 1:16-cv-921.

Discussion

I find that the two cases are related cases because they arise out of the same transaction or occurrence and they involve the same parties. *See* W.D. MICH. LCIVR 3.3.1(d)(iii)(A). “If cases are found to be related cases after assignment to different judges, they may be reassigned by the Chief Judge¹ to the judge having the related case earliest filed.” W.D. MICH. LCIVR 3.3.1(d)(iii)(B). Here, the earliest filed case is assigned to Chief Judge Jonker.

Recommended Disposition

For the reasons set forth herein, I recommend that Chief Judge Robert J. Jonker reassign Case No. 1:16-cv-1218 to himself pursuant to W.D. MICH. LCIVR 3.3.1(d)(iii)(B).

Dated: December 1, 2017

/s/ Phillip J. Green
PHILLIP J. GREEN
United States Magistrate Judge

¹ Because the authority to reassign cases is vested in the Chief Judge, this report and recommendation is being entered in Case No. 1:16-cv-921. A notice will be entered on the docket sheet in Case No. 1:16-cv-1218 to advise Judge Maloney of the entry of this report and recommendation recommending reassignment of Case No. 1:16-cv-1218 to Chief Judge Jonker.

NOTICE TO PARTIES

ANY OBJECTIONS to this Report and Recommendation must be filed and served within fourteen days of service of this notice on you. 28 U.S.C. § 636(b)(1)(C); FED. R. CIV. P. 72(b). All objections and responses to objections are governed by W.D. MICH. LCIVR 72.3(b). Failure to file timely and specific objections may constitute a waiver of any further right of appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *Keeling v. Warden, Lebanon Corr. Inst.*, 673 F.3d 452, 458 (6th Cir. 2012); *United States v. Branch*, 537 F.3d 582, 587 (6th Cir. 2008). General objections do not suffice. *See McClaugherty v. Comm'r of Social Security*, 474 F.3d 830, 837 (6th Cir. 2006); *Frontier Ins. Co. v. Blaty*, 454 F.3d 590, 596-97 (6th Cir. 2006).